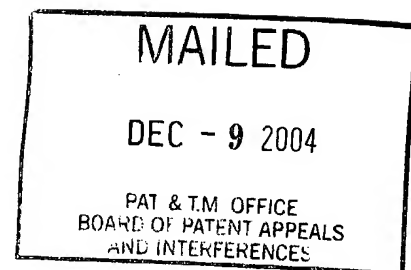UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANDREA MICHALIK

Application No. 10/023,357

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals
and Interferences on August 10, 2004. A review of the
application has revealed that the application is not ready for
docketing as an appeal. Accordingly, the application is herewith
being returned to the examiner. The matters requiring attention
prior to docketing are identified below.

The appendix to the appeal brief filed November 5, 2003 is
defective, for there is an error in claim 1 of the appendix
compared to claim 1 of the specification.

Also, on January 30, 2004, the examiner has filed an
examiner's answer. A review of the file reveals that the
reference Cooper, Biotechnology and the Law, which is listed as

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prior art (page 3, prgh. (9)) was not scanned in IFW. Before

further review, the examiner must have the reference scanned and

made of record. Appropriate action is required.

Accordingly, it is

ORDERED that this application be returned to the

examiner to: 1) correct the appendix to the brief in one of two

ways: a) to notify appellant that the brief is defective, and to

have appellant file a corrective brief; b) to issue a

Supplemental Examiner's Answer to correct the deficiencies of the

brief; 2) electronically enter the Cooper reference; and 3) for

such further action as may be appropriate.

It is important that the Board of Patent Appeals and

Interferences be informed promptly of any action affecting the

status of this appeal (i.e., abandonment, issue, reopening

prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES
By: _____
Dale M. Shaw
Program and Resource Administrator
(571)272-9797

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DMS/tdl
RA05-0102